

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

11.580 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND VIOLA
GARZA, *et al.*,
Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL NO.: 7:20-CV-165

JOINT STATUS REPORT

On April 14, 2021, the Court ordered the parties to file a status report by July 9, 2021¹, pursuant to that Order the United States of America and Defendants Viola Garza, Sonia Morton, Maria Garza, Ileana Baca, Feliz Tadeo Martinez, Alma Coplen, Alicia Koenekke, and Vern Vanderpool (hereafter the “Parties”) respectfully update the Court as follows:

1. This case sought to acquire a fee simple interest in 11.580 acres of land identified as Tract RGV-RGC-9047.² While title to Tract RGV-RGC-9047 has vested in the United States by operation of law³, the United States has not yet obtained possession of the property.⁴

2. A contract suspension remains in place for the contract relating to Tract RGV-RGC-9047, meaning there has been no additional work on this Tract since the last status update on April 2,

¹ Dkt. No. 29.

² Dkt. No. 2.

³ 40 U.S.C. § 3114(b).

⁴ Dkt. No. 14.

2021 when the United States explained there had “been some clearing of brush and work related to access roads on or near the parent tract.”⁵

3. The United States is still awaiting guidance on whether it may proceed with the taking of Tract RGV-RGC-9047 as described in the Declaration of Taking.⁶

4. Additionally, the Estate of Rolando J. Vallejo, deceased is still pending in the Probate Court of Hidalgo County, Texas.

5. As of the filing of this status report, the hearing for the Estate of Rolando J. Vallejo on Application for Probate of Will and Issuance of Letters Testamentary has *not* been reset, nor has an Order been issued.

6. As soon as the Probate Court of Hidalgo County identifies an executor/executrix for the Estate of Rolando J. Vallejo the United States will file the appropriate motion to add the executor/executrix as a party to this case, and once added, will seek proper service.

7. In conclusion, the Estate of Rolando J. Vallejo has yet to be served and the border wall project for Tract RGV-RGC-9047 could still be impacted by the findings of the referenced 60-day plan when finalized.⁷

⁵ Dkt. No. 27 at ¶ 6.

⁶ Dkt. No. 2-1 at 6-7.

⁷ See Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021) at Sec. 2.

Respectfully submitted,

FOR DEFENDANTS:

s/ Thomas Daniel Koeneké, with permission

THOMAS DANIEL KOENEKE

State Bar No. 24073527

Federal Admissions ID No. 1785860

ELLIS KOENEKE & RAMIREZ, LLP

1101 Chicago Ave.

McAllen, Texas 78501

Telephone: (956) 682-2440

Facsimile: (956) 682-0820

**Attorney for Defendants Viola Garza,
Sonia Morton, Maria Garza, Ileana Baca,
Feliz Tadeo Martinez, Alma Coplen, and
Alicia Koeneké**

s/ Vern Vanderpool, with permission

Vern Vanderpool

FOR PLAINTIFF:

JENNIFER B. LOWERY

Acting United States Attorney

Southern District of Texas

By: s/ Megan Eyes

MEGAN EYES

Assistant United States Attorney

Attorney-in-Charge for Plaintiff

S.D. Tex. ID. No. 3135118

Florida Bar No. 0105888

UNITED STATES ATTORNEY'S OFFICE

SOUTHERN DISTRICT OF TEXAS

1701 W. Bus. Hwy. 83, Suite 600

McAllen, Texas 78501

Telephone: (956) 618-8010

Facsimile: (956) 618-8016

Email: Megan.Eyes@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on July 9, 2021, a copy of the foregoing was electronically filed in the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record and was provided to all potential heirs of Rolando J. Vallejo, deceased by electronic mail.

By: s/ Megan Eyes

MEGAN EYES

Assistant United States Attorney